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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,927	12/22/2003	David Plentis	NT-US035185	9973

22919 7590 03/18/2005

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EXAMINER
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PAPE, JOSEPH

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/740,927

Applicant(s)

PLENTIS ET AL.

Examiner

Joseph D. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 16-19, 21-23, 31-34, 36-38 and 46 is/are rejected.
- 7) ☒ Claim(s) 5 9-15 20 24-30 35 39-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/23/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numerals "30" used in paragraph 25, "50" used in paragraph 31, and "32f" used in paragraph 33 do not appear in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

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In paragraph 2, line 2, "system" should be changed to --systems--. On line 3, the phrase "system for a pickup trucks such" should be changed to --systems for pickup trucks--.

In paragraph 32, line 2, it is thought that "48" should be changed to --40a--.

In paragraph 34, line 3, "close" should be changed to --closed--.

In paragraph 35, line 5, "close" should be changed to --closed--.

In paragraph 36, line 5, "rest" should be changed to --rests--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7, 16-18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lins.

Lins discloses the claimed invention including a metallic mounting structure B which has a bottom support portion, side support portions and mounting portions extending outwardly from the side support portions. Reference Figure 2. A compartment box A with an access opening is fixedly coupled to the mounting structure

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between the bottom and side portions. The box A includes a panel door E. The vehicle of Lins can be categorized as having a front side portion and a rear side portion. The panel door E of Lins forms an exterior of the vehicle body "rear" side panel as broadly as recited. The door panel E of Lins includes a hinge E' which is positioned "between" the mounting structure and the side panel door as broadly as recited.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 4, 8, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lins in view of Goosman and Chandler.

Lins discloses the claimed invention except for the provision of a stay member that is coupled to the mounting structure and is located outside of the compartment.

Goosman discloses a vehicle door panel for a compartment located below a floor or deck of the vehicle which includes a stay member 86 for limiting downward movement of the door panel. Reference Figure 4.

Chandler discloses a stay member 41 for a vehicle compartment that is located outside of the compartment with one end mounted to a door panel 10 of the compartment and the other end mounted to suitable structure outside of the compartment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door panel of Lins with a stay member as taught by Goosman for limiting downward movement of the door panel. Further, it would also have been obvious to one having ordinary skill in the art at the time the invention was made to move the stay member of Lins, as modified, to be positioned outside of the compartment and to be secured to suitable structure outside of the compartment, including the mounting structure, as taught by Chandler in order to prevent the stay member from interfering with the storage capacity of the compartment box.

8. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lins.

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Lins discloses the claimed invention but is silent as to the material out of which the compartment box A is constructed.

Section 2144.07 of the MPEP sets forth that the selection of a known material based on its suitability for its intended use supported a prima facie obviousness. See *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the compartment box of Lins from a non-metallic material such as wood which was widely used for vehicle construction at the time of the invention of Lins because such selection of a known material is prima facie obvious in view of *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

9. Claims 31-33, 36-37 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojonowski in view of Lins.

Wojonowski discloses a vehicle structure comprising a floor panel 16 which inherently includes side panels at the edges thereof to enclose lateral cross members 18 (Figure 1) from the elements. The lateral cross members 18 (Figure 1) are fixedly coupled to the floor panel 16. The vehicle includes a side panel storage box assembly 10, 12 with a plastic compartment 10 and a mounting structure 12 coupled to the lateral cross members 18 (Figure 1). The compartment includes a side panel door 14 with hinges 30. The side panel door has an exterior surface that is in alignment with an exterior contour of the side panel as seen in Figure 2 and thus "follows an exterior contour of the side panel" as broadly as recited.

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Wojonowski discloses the claimed invention except for the mounting structure having a pair of mounting portions extending from the side portions.

Lins discloses the claimed invention including a metallic mounting structure B which has a bottom support portion, side support portions and mounting portions extending outwardly from the side support portions. Reference Figure 2. A compartment box A with an access opening is fixedly coupled to the mounting structure between the bottom and side portions. The box A includes a panel door E.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the mounting structure of Lins for that of Wojonowski in order to provide mounting portions on the mounting structure for a larger area to attach to the vehicle.

10. Claims 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied above to claims 33 and 37, respectively, and further in view of Goosman and Chandler.

Wojonowski, as modified, discloses the claimed invention except for the provision of a stay member that is coupled to the mounting structure and is located outside of the compartment.

Goosman discloses a vehicle door panel for a compartment located below a floor or deck of the vehicle which includes a stay member 86 for limiting downward movement of the door panel. Reference Figure 4.



Chandler discloses a stay member 41 for a vehicle compartment that is located outside of the compartment with one end mounted to a door panel 10 of the compartment and the other end mounted to suitable structure outside of the compartment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the door panel of Wojonowski, as modified, with a stay member as taught by Goosman for limiting downward movement of the door panel. Further, it would also have been obvious to one having ordinary skill in the art at the time the invention was made to move the stay member of Wojonowski, as twice modified, to be positioned outside of the compartment and to be secured to suitable structure outside of the compartment, including the mounting structure, as taught by Chandler in order to prevent the stay member from interfering with the storage capacity of the compartment box.

***Allowable Subject Matter***

11. Claims 5, 9-15, 20, and 24-30, 35, 39-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Browne discloses a storage compartment with a mounting structure similar to that of the current invention.

Walker discloses a side panel door with a concave front edge portion.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph D. Pape

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Primary Examiner  
Art Unit 3612 3/14/05

Jdp

March 14, 2005